



06-1505

2633 *TR*

EXPRESS MAIL CERTIFICATE

Express Mail No.: - EV 645600403 US

Date of Deposit: - June 13, 2005

Type of Document(s):

- Transmittal Form (PTO/SB/21)
- Power Of Attorney and Correspondence
- Address Indication Form (PTO/SB/81) (1 pgs.)
- Chain of Title Documents (7 pgs.)
- Postcard Filing Receipt

Application No.: - 10/037,085

Filing Date: - December 20, 2001

Applicant(s): - Kenneth M. MAXHAM

Title: - SYSTEM AND METHOD FOR SELECTING THE PLACEMENT
OF OPTICAL AMPLIFIERS IN AN OPTICAL NETWORK

Examiner: - Christina Y. LEUNG

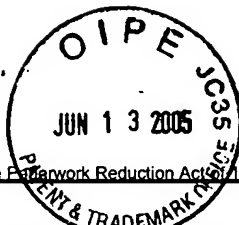
Art Unit: - 2633

Attorney Docket No.: - CIE-0063 (21216-05666)

Our Ref: - 4312

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Barbara C. Brown
Barbara C. Brown
Paralegal



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

9

Application Number

10/037,085

Filing Date

December 20, 2001

First Named Inventor

Kenneth M. MAXHAM

Art Unit

System & Methods... Optical Amplifiers...

Examiner Name

Christina Y. LEUNG

Attorney Docket Number

CIE-0063(212160-05666)

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input checked="" type="checkbox"/> Power of Attorney, Revocation (1 pg.)	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	
	Statement Under 37 CFR 3.73(b) Chain of Title Documents (6 pgs.) Return Receipt Postcard	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	DOUGHERTY, CLEMENTS, HOFER, BERNARD & WALKER		
Signature	<i>Christopher L. Bernard</i>		
Printed name	Christopher L. Bernard		
Date	June 13, 2005	Reg. No.	48,234

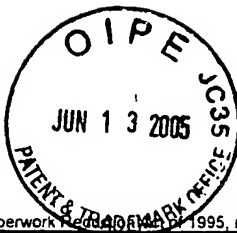
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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	<i>Barbara C. Brown</i>		
Typed or printed name	Barbara C. Brown	Date	6-13-2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/81 (04-05)

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**POWER OF ATTORNEY
and
CORRESPONDENCE ADDRESS
INDICATION FORM**

Application Number	10/037,085
Filing Date	December 20, 2001
First Named Inventor	Kenneth M. MAXHAM
Title	System & Method... Optical Amplifiers
Art Unit	2633
Examiner Name	Christina Y. LEUNG
Attorney Docket Number	CIE-0063(21216-05666)

I hereby revoke all previous powers of attorney given in the above-identified application.

I hereby appoint:

☒ Practitioners associated with the Customer Number:

22474

OR

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☒ The address associated with the above-mentioned Customer Number:

OR

☐ The address associated with Customer Number:

OR

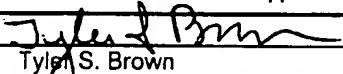
<input type="checkbox"/> Firm or Individual Name					
Address					
City		State	North Carolina	Zip	
Country					
Telephone		Email	cbernard@worldpatents.com		

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Signature		Date	6/10/05
Name	Tyler S. Brown	Telephone	410-865-8078
Title and Company	Chief IP Counsel, CIENA Corporation		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ *Total of 01 forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/96 (09-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Kenneth M. MAXHAMApplication No./Patent No.: 10/037,085 Filed/Issue Date: December 20, 2001Entitled: System and Method For Selecting the Placement of Optical Amplifiers in an Optical NetworkCIENA Corporation, a Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Kenneth MAXHAM To: ONI Systems Corp.
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: ONI Systems Corp. To: CIENA Corporation
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Tyler G. Brown
Signature

Tyler G. Brown

Printed or Typed Name

Chief IP Counsel, CIENA Corporation

Title

6/10/05
Date

410-865-8078

Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Docket No.: CIE-0000

FORM PTO-1535 (Modified)
(Rev. 03-01)
OMB No. 0851-0027 (exp. 5/31/2002)
POB/REV03

RECORDATION FORM COVER SHEET

U.S. DEPARTMENT OF COMMERCE
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PATENTS ONLY

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To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):
ONI Systems Corp.

Additional names(s) of conveying party(ies)

☐ Yes ☒ No

3. Nature of conveyance:

- ☐ Assignment ☒ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____

Execution Date: 6/21/02

2. Name and address of receiving party(ies):

Name: CIENA Corporation

Internal Address: _____

Street Address: 1201 Winterson RoadCity: Linthicum State: MD ZIP: 21090Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent numbers(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

09/326,015	09/714,378	09/225,920
09/321,979	09/580,029	10/071,951
09/898,472	09/969,720	10/005,716
60/337,844	10/045,587	10/099,181

B. Patent No.(s)

5,986,783	6,046,833	6,331,906
5,879,571	5,515,195	6,275,329
6,304,347	6,339,506	6,339,503

Additional numbers attached? ☒ Yes ☐ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: David A. FoxInternal Address: Cantor Colburn LLPStreet Address: 55 Griffin Road SouthCity: Bloomfield, State: CT ZIP: 060026. Total number of applications and patents involved: 247. Total fee (37 CFR 3.41):.....\$ 960.00☒ Enclosed - Any excess or insufficiency should be credited or debited to deposit account☐ Authorized to be charged to deposit account

8. Deposit account number:

06-1130

(Attach duplicate copy of this page if paying by deposit account)

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

David A Fox, Registration No. 38,807

Name of Person Signing

Signature

October 18, 2002

Date

Total number of pages including cover sheet, attachments, and document: 5Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignments
Washington, D.C. 20590



**RECORDATION FORM COVER SHEET
PATENTS ONLY**

Item No. 4, Continued:

A. Patent Application Nos.

09/759,625 09/875,243 10/045,955



ONE

PTO/SB/92 (08-00)

Approved for use through 10/31/2002. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**Assistant Commissioner for Patents
Washington, D.C. 20231**

on October 18, 2002
Date

Karey L. Congdon
Signature

Karey L. Congdon
Typed or printed name of person of signing Certificate

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Delaware

PAGE 1

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"OMI SYSTEMS CORP.", A DELAWARE CORPORATION,

WITH AND INTO "CIENA CORPORATION" UNDER THE NAME OF "CIENA CORPORATION", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE TWENTY-FIRST DAY OF JUNE, A.D. 2002, AT 1:30 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF MERGER IS THE TWENTY-FIRST DAY OF JUNE, A.D. 2002, AT 11:59 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



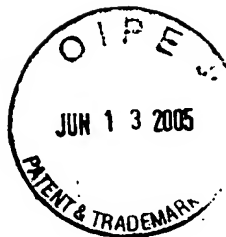
Harriet Smith Windsor
Harriet Smith Windsor, Secretary of State

2314539 010004

020402001

AUTHENTICATION: 1845589

DATE: 06-21-02



**CERTIFICATE OF MERGER
OF**

**ONI SYSTEMS CORP.,
a Delaware Corporation**

WITH AND INTO

**CIENA CORPORATION,
a Delaware Corporation**

STATE OF DELAWARE
SECRETARY OF STATE
DIVISION OF CORPORATIONS
FILED 01:30 PM 06/21/2005
037408001 - 2514329

The undersigned corporation **DOES HEREBY CERTIFY:**

FIRST: That the name and state of incorporation of each of the constituent corporations of the merger is as follows:

<u>NAME</u>	<u>STATE OF INCORPORATION</u>
CIENA Corporation	Delaware
ONI Systems Corp.	Delaware

SECOND: That an agreement of merger between the constituent corporations has been approved, adapted, certified, executed and acknowledged by each of the constituent corporations in accordance with the requirements of Section 251 of the General Corporation Law of the State of Delaware.

THIRD: That the name of the surviving corporation of the merger is **CIENA Corporation.**

FOURTH: That the certificate of incorporation of **CIENA Corporation**, a Delaware corporation, the surviving corporation, shall be the certificate of incorporation of the surviving corporation.

WILLIAMSON - 000000




FIFTH: That the executed agreement of merger is on file at the principal place of business of the surviving corporation. The address of the principal place of business of the surviving corporation is 1201 Wintercon Road, Linthicum, MD 21090.

SIXTH: That a copy of the agreement of merger will be furnished by the surviving corporation, on request and without cost, to any stockholder of each of the constituent corporations.

SEVENTH: The effective date of the merger shall be as of 11:59 p.m. Eastern Time on June 21, 2002.

IN WITNESS WHEREOF, CIENA Corporation, a Delaware corporation, has caused this certificate to be signed by Russell B. Stevenson, Jr., its Senior Vice President, General Counsel and Secretary, an authorized officer of the corporation, this 21st day of June, 2002.

CIENA Corporation,
a Delaware corporation

By: 
Russell B. Stevenson, Jr.
Senior Vice President, General
Counsel and Secretary

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